

PRESS RELEASE

October 19, 2006

RE: UNITED STATES v. MOHAMED BAHAA EL DIN HAMDY

United States Attorney Terrance P. Flynn announced today the conviction, following a jury trial, of Mohamed Bahaa El Din Hamdy, age 37, on all counts of an Indictment which charged him with concealing and making false statements and representations in connection with an application to become a naturalized citizen of the United States. Hamdy, an Egyptian national, was convicted of: (1) concealing from Immigration officials the material fact that he had been charged with committing a crime or offense, in violation of Title 18, United States Code, Section 1001(a)(1), which carries a maximum penalty of five years imprisonment, a fine of \$250,000.00, or both; (2) making a materially false statement and representation during an interview on his application to become a citizen, in violation of Title 18, United States Code, Section 1001(a)(2), which carries a maximum penalty of five years imprisonment, a fine of \$250,000.00, or both; (3) making and using an application to become a citizen knowing that it contained a materially false statement and entry, in violation of Title 18, United States Code, Section 1001(a)(3), which carries a maximum

penalty of five years imprisonment, a fine of \$250,000.00, or both; and (4) subscribing as true, under penalty of perjury, a false statement with respect to a material fact in his application to become a citizen, in violation of Title 18, United States Code, Section 1546(a), which carries a maximum penalty of ten years imprisonment, a fine of \$250,000.00, or both.

Assistant U.S. Attorneys MaryEllen Kresse and John E. Rogowski, who tried the case, stated that the evidence at trial established that the defendant entered the United States in September 2000, as the spouse of a United States citizen. Following his divorce in December 2001, the defendant began the process of enlisting in the United States Army. In October 2002, following completion of basic training, the defendant was stationed at Ft. Carson, Colorado. On October 30, 2002, he completed an application to become a naturalized United States citizen based on qualifying military service.

While that application was pending, Hamdy, on April 1, 2003, left his military unit without authority and returned to Egypt. At the time defendant left his unit without authority, the unit was only one week away from being deployed to Iraq.

Following defendant's return to the United States, he turned

himself in to authorities at Ft. Carson on May 29, 2003. He was subsequently charged with being Absent without Authority (AWOL), a crime and offense under the Uniform Code of Military Justice which carries a maximum possible punishment of one-year incarceration and a dishonorable or bad conduct discharge. Ultimately, in August 2003, the defendant was discharged from the Army under Other Than Honorable circumstances, in lieu of trial by court martial.

On April 13, 2005, the defendant was interviewed under oath by an Immigration officer in Buffalo on his previously filed application to become a naturalized citizen based on qualifying military service. During that interview, the defendant concealed from the Immigration officer the fact that he had been charged with AWOL, and falsely stated and represented that he had never been charged with any crime or offense. At the conclusion of the interview on April 13, 2005, the defendant signed the application for citizenship, certifying under penalty of perjury that everything in the application was true and correct to the best of his knowledge and belief. The defendant's concealment of, and false statements regarding his being charged with AWOL in connection with his military service was material to Immigration's decision on his application for citizenship because it reflected on his Good Moral Character, a requirement for citizenship, and on whether his military service constituted honorable service -- a prerequisite to obtaining citizenship on the basis of qualifying

military service.

The conviction was the culmination of an investigation on the part of United States Immigration and Customs Enforcement, under the direction of Special Agent in Charge Peter J. Smith.

Sentencing is scheduled for March 2007, in front of Hon. William M. Skretny, United States District Judge.